

City of Killeen
Regular City Council Meeting
Killeen City Hall
December 10, 2013 at 5:00 p.m.

Presiding: Mayor Pro-Tem Elizabeth Blackstone

Attending: Council members Terry Clark, Jared Foster, Wayne Gilmore, Steve Harris, Jonathan Okray, and Jose Segarra

Absent: Mayor Daniel Corbin

Also attending were City Manager Glenn Morrison, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms M. Mirabel.

Pastor Jaime gave the invocation, and Mayor Pro-Tem Blackstone led everyone in the pledge of allegiance.

Approval of Agenda

Motion was made by Councilmember Clark to approve the agenda, pulling items OR-3 and OR-4. Motion seconded by Councilmember Okray. The motion carried unanimously.

Consent Agenda

CA-1 Consider minutes of Regular City Council meeting of November 25, 2013.
No changes.

CA-2 Consider a memorandum/resolution awarding Bid No. 13-35 to R.T. Schneider Construction Co., LTD for the Killeen National Guard Armory/W.S. Young Drive Landfill Repair Project.
Staff comments: Scott Osburn gave a brief history of this project.
Advertisements were made in the Killeen Daily Herald on September 8 and 15, 2013, and on the City's website. R.T. Schneider Construction was low bidder. Their bid of \$302,581.50 is well within the amount budgeted for this project.
Staff recommends that the City Council award the contract to R.T. Schneider Construction Co., LTD, in the amount of \$302,581.50. Staff also recommends that the City Council authorize the City Manager to execute all necessary contract documents and, further, authorize the City Manager to execute any change orders within the amounts set by state and local laws.

CA-3 Consider a memorandum/resolution authorizing purchase of replacement bunker gear for fire fighters through the Texas Buyboard for the Fire Department.
Staff Comments: Deputy Fire Chief Hawthorne
To adequately outfit employees of the Killeen Fire Department (KFD) and follow the state mandated NFPA 1951, it is necessary to implement a replacement program for personal protective equipment. The Fire Department is requesting authority to purchase personal protective equipment, specifically bunker pants and coats, for Fire Rescue Officers employed by the Killeen Fire Department. Forty (40) sets of bunker pants and coats need to be replaced at this time due to the expiration of the five year warranty and concerns for safety due to the harsh conditions that these particular items endure. The total cost for replacing the forty (40)

sets of bunker gear is \$87,400. Staff recommends that City Council authorize the purchase of forty (40) sets of bunker gear to include pants and coats through Casco Industries for the amount of \$87,400 and that the City Manager or his designee be authorized to execute any and all change orders within the amounts set by state and local law.

- CA-4 Consider a memorandum/resolution awarding Bid No. 13-38 for petroleum oil and lubricant services to Sun Coast Resources, Inc.

Staff comments: Karlene Jessie

The contract awarded under this bid would be a one (1) year contract with the option to renew for three (3) additional one (1) year periods. There were six (6) vendors that submitted bids. Sun Coast Resources (SCR) products, services and cost are the best overall value for the City. Staff recommends awarding the petroleum oil and lubricants annual contract to Sun Coast Resources Inc, and that the City Manager or the designated representative is expressly authorized to execute any and all change orders within the amounts set by state and local law.

- CA-5 Consider a memorandum/resolution awarding Bid No. 14-03 for uniform purchase services to Miller Uniforms and Emblems, Inc.

Staff comments: Karlene Jessie

Services addressed by this contract are for purchase only and apply to city employees in the Municipal Court, Code Enforcement and Police Departments.

Miller Uniforms and Emblems, Inc. submitted the only complete bid packet that met specification. The City staff recommends that the City Manager be authorized to execute a contract for uniform purchase services for the Municipal Court, Code Enforcement and Police Departments through Miller Uniforms and Emblems, Inc. for a one (1) year period, with the option to renew for two (2) additional one (1) year periods, and that the City Manager or the designated representative is expressly authorized to execute any and all change orders within the amounts set by state and local law.

- CA-6 Consider a memorandum/resolution awarding Bid No. 14-01 to purchase concrete through Killeen Ready Mix for Streets Services.

Staff comments: Scott Osburn

Three (3) vendors submitted bids. The contract term for this award is for a term of one (1) year with the option to extend the same for four (4) additional six (6) month periods. The city has used Ready Mix for the past three years.

Staff recommends that City Council award a purchase contract to Killeen Ready Mix for the purchase of concrete materials, authorize the City Manager to enter into a contract with the same, including the proposed extensions described and, finally, authorize the City Manager to execute any and all change orders in the amounts established by state and local law.

*Motion was made by Councilmember Clark to approve Consent Agenda items 1 through 6.
Motion was seconded by Councilmember Gilmore. Motion carried unanimously.*

Public Hearings / Ordinances

- PH-1 A. **HOLD** a public hearing and consider a request to amend the Comprehensive Plan's Future Land Use Map (FLUM) from 'General Commercial' to 'Multi-Family Residential' (FLUM #13-43) for approximately 18.632 acres located on the south right-of-way of Vahrenkamp Drive, west of Clear Creek Road (S.H. 201), Killeen, Texas.

Staff comments: Tony McIlwain

The property is located on the south right-of-way of Vahrenkamp Drive, approximately 120 feet east of Chelsea Drive and west of Clear Creek Road (S.H. 201), Killeen, Texas. The applicant has submitted a concurrent request to rezone the subject property from B-5 (Business District) to R-3A (Multi-Family Apartment Residential District). The applicant has submitted a concurrent petition for apartment zoning. At the Planning and Zoning Commission meeting, some of the concerns of area residents were lack of privacy, more traffic and decreasing property values. No area business owners raised concerns. This zoning change would only allow apartment type complexes to be built. The Planning and Zoning Commission recommended amending the FLUM from 'General Commercial' to 'Multi-Family Residential' by a vote of 7 to 0.

B. **HOLD** a public hearing and consider an ordinance requested by Great Lakes Properties, L.L.C. (Case #Z13-43) to rezone approximately 18.632 acres, part of the Julia Stephens Survey, Abstract No. 745, from B-5 (Business District) to R-3A (Multifamily Apartment Residential District). The property is located on the south right-of-way of Vahrenkamp Drive, approximately 120 feet east of Chelsea Drive and west of Clear Creek Road (S.H. 201), Killeen, Texas.

The City Secretary read the ordinance caption.

Staff comments: Tony McIlwain

This request is for a residential apartment development. The 18.632 acre site is permitted to yield a density of one apartment unit per 2,500 square feet of gross site area for a total of no more than 324 units.

The Planning and Zoning Commission recommended approval of the applicant's request by a vote of 7 to 0. Mr. Bradley, the developer, presented the council with a short slide show presentation of architectural drawings of the project.

Mayor Pro-Tem Blackstone opened the public hearing. (public hearing for both A & B were held at the same time)

Royce Bradley – Great Lakes Properties. Spoke in favor of the project and feels like this project in that location would greatly benefit and add positively to the City of Killeen. Mr. Bradley stated his company is very serious about building what they say they are going to build.

Melissa, 4506 Chelsea Drive – Spoke in opposition of the rezoning.

Suzanne, 4603 Chelsea Drive – Spoke in opposition of the rezoning.

Steven, 3905 Edgefield – Spoke in opposition of the project.

Lewis, 4612 Chelsea Drive – Spoke in opposition of the project.

Ricky, 4608 Chelsea Drive – Spoke in opposition of the project.

Chris, 4609 Chelsea Drive – Spoke in opposition of the project.

Ms. Bryant, 6501 Jeremy Dr. – Spoke in opposition of the project.

The main concerns from these citizens are privacy, the company building what they are indicating they will build, crime, and heavy traffic. The citizens want Mr. Bradley to put in writing exactly what he plans to do, i.e. green space, fencing, etc.

Mayor Pro-Tem Blackstone closed the public hearing at 6:21.

Motion was made by Councilmember Segarra to approve PH-1, A & B. Motion was seconded by Councilmember Clark; motion carried unanimously.

PH-2 **HOLD** a public hearing and consider an ordinance requested by Northwest Tidwell, Ltd. (Case #Z13-44) to rezone approximately 62.148 acres, part of the J. E. Madera Survey, Abstract No. 600, from B-5 (Business District), B-C-1 (General Business and Alcohol Sales District), M-1 (Manufacturing District) and A-R1 (Agricultural Single-family Residential District) to B-5 Business District), B-C-1 (General Business and Alcohol Sales District) and R-3A (Multifamily Apartment Residential District). The property is located on the southwest corner of W. Stan Schlueter Loop (FM 3470) and Bunny Trail, Killeen, Texas.

The City Secretary read the caption of the ordinance.

Staff comments: Tony McIlwain

The planning staff notified two hundred seventy-three (273) property owners within a 1,000 foot notification area regarding this request. Staff received protests from Kathleen Sanchez of 4510 Alleeta Drive, and Donna Craven of 5503 Bunny Trail, Killeen, Texas. The developer intends to build business complex.

The Planning and Zoning Commission recommended approval of the applicant's B-5 and B-C-1 request, with the B-C-1 request being limited to a 5,000 square feet area for the proposed bar and patio area, as depicted on the applicant's *Out Parcel #6 site plan* by a vote of 6 to 0; the remainder of the 2-acre site is recommended for B-5 zoning. The applicant withdrew the request to rezone 21.132 acres of A-RI to R-3A, as this part of the request will require submission of a P.U.D.

Mayor Pro-Tem Blackstone opened the public hearing.

With no one appearing, the public hearing was closed.

Motion was made by Councilmember Clark to approve PH-2 with an amendment to allow parcel at the north-east corner to continue to have B-C-1 zoning January and February and to approve the rest of the request. Motion was seconded by Councilmember Okray; motion carried unanimously.

Ordinances / Resolutions

OR-1 Consider an ordinance granting an application for renewal of taxicab franchise to Express Cab. (2nd of 3 readings)

The City Secretary read the caption of the ordinance.

Staff Comments: City Attorney Kathy Davis

This ordinance is to renew the taxicab franchise to Express Cab for another five years. Council will vote on the adoption of the ordinance on the 3rd and final reading at the January 14th council meeting.

Motion was made by Councilmember Clark to approve OR-1 second reading. Motion was seconded by Councilmember Harris; motion carried unanimously.

- OR-2 Consider an ordinance to authorize updating service credits for Texas Municipal Retirement System (TMRS).

The City Secretary read the caption of the ordinance.

Staff comments: Roshanda Smiley

On adoption, all employees covered under TMRS have their retirement benefits recalculated based on a three-year average of their most recent salary. The contribution for 2014 as stated in this ordinance was calculated using the assumptions provided by TMRS to calculate contribution rates. This ordinance provides for the adoption of Update of Service Credits in TMRS. The cost of increasing the City's TMRS contribution from the current rate of 7.8% to the 8.01% generated when adopting the USC is estimated to be \$137,143 (January through September, 2014). The recommendation is that the proposed ordinance to update TMRS Service Credits be adopted, to be effective January 1, 2014.

Motion was made by Councilmember Okray to approve OR-2. Motion was seconded by Councilmember Segarra; motion carried unanimously.

- OR-3 Consider an ordinance adopting an amended Chapter 380 Economic Retail Development Program.

Item pulled.

- OR-4 Consider a resolution approving a Chapter 380 Economic Retail Development and Performance Agreement with Northwest Tidwell, LTD., for development of Killeen Town Center.

Item pulled.

Adjournment

With no further business, upon motion being made by Councilmember Clark, seconded by Councilmember Segarra, and unanimously approved, the meeting was adjourned at 6:51 p.m.

Elizabeth Blackstone, Mayor Pro-Tem

Dianna Barker, City Secretary